

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) and Special Exception J (Carport over a Driveway) in an R-4 (Residential) zone.

This would allow a 35' by 9'7" addition of which a 35' by 3' portion is proposed to encroach into the required rear yard setback and to be located to within 17' of the rear property line. This would also allow a 20'4" by 18' carport proposed to be located to within 5.5' of the front property line.

The required front and rear yard cumulative setback total is 45 feet in the R-4 zone district.

BACKGROUND

The ZBA approved this same request for the applicant on September 13, 2010 (see copy of decision letter); however, a building permit was not requested and the ZBA approval expired. The applicant is requesting additions that will encroach into both the front yard, for a carport, and into the rear yard. There is no utility easement at the front property line. The structural plans for the carport have been reviewed and approved by Building Permits & Inspections. The carport will match the house in materials and design and the carport roof will rise no higher than the roof of the house.

CALCULATIONS

Permitted carport area = 457 sq. ft. (2,286 sq. ft. first floor area under roof ÷ 5)

Requested carport area = 366 sq. ft. (20'4" x 18')

Permitted square feet encroachment in required rear yard = 331 sq. ft. (27.58' [82.50' lot width ÷ 3] x 12' [3/5 of 20'])

Requested square feet encroachment in required rear yard = 105 sq. ft. (35' x 3')

Requested rear yard setback = 17'

Requested front yard setback = 5.5'

Required front and rear yard cumulative setback = 45'

STAFF RECOMMENDATION

Staff recommendation is for approval of the application as it meets the requirements of the Special Exceptions C and J.

The Zoning Board of Adjustment is empowered under Section 2.16.050 C to:

"Permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line, provided, however, that:

1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard setback;
3. A minimum ten-foot rear yard setback shall be required;
4. The minimum side and side street yard setbacks shall not be reduced; and
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space."

The Zoning Board of Adjustment is empowered under Section 2.16.050 J to:

Permit the encroachment into the required front yard setback for a lot in a residential (R) district beyond other allowed modifications for a carport covering a driveway; provided, however, that:

1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The zoning board of adjustment has received the written approval of the structural design from the building official;
3. The carport shall be constructed of the same material, architectural design, and color scheme as the residential structure, shall be open on three sides, shall be attached to the main structure and shall rise no higher than the highest point of the roof of the dwelling;

4. The area of the carport shall not exceed one-fifth of the first-floor area under roof of the dwelling and shall be measured as the area covered by the carport roof, to include overhangs;
5. Elevation drawings of the proposed structure shall be submitted;
6. For a duplex, the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit;
7. There is no other reasonable alternative to provide a carport in the front yard of the subject property without exceeding the encroachments allowed in Title 20 of this code; and,
8. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space."

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S E R V I C E S O L U T I O N S S U C C E S S

ZONING BOARD OF ADJUSTMENT

September 13, 2010



Evans Walker

8609 W.H. Burges Drive

Legal Description: Lot 11, Block 87, Cielo Vista Park, City of El Paso, El Paso County, Texas

Case# ZBA10-00040: The request is for a 34.90' by 13' addition that is proposed to encroach 6.3' into the required rear yard setback and to be located to within 13.7' of the rear property line. This would also permit a 20.30' by 20' carport that is proposed to encroach 20' into the required front yard setback and to be located to within 5' of the front property line. The required cumulative front and rear yard setback total is 45 feet in the R-4 zone district.

The Zoning Board of Adjustment, acting under the authority vested in it by Article 211.008 of the Local Government Code of the State of Texas and by Chapter 2.16 of the El Paso City Code, after due public notice at an Open Public Meeting on September 13, 2010, **GRANTED** the Special Exceptions under Section 2.16.050 C (Rear Yard Setback) and Section 2.16.050 K (Carport over a Driveway) in an R-3 zoning district with a **CONDITION**:

that for the carport, the truss details from the manufacturer be provided and that one more 2 x 12 beam be added to the two 2 x 12 beams already shown on the carport structural plans.

The Board determined the request **Qualified** under the criteria of Section 2.16.050 C of the ordinance for the following reasons:

- The residence has been in existence with a valid certificate of occupancy for one continuous year;
- The maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard;
- A minimum ten foot rear yard setback shall be required;
- The minimum side and side street yards shall not be reduced;
- The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred eighty square feet;
- Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space; and
- The extension shall not permit the creation of an additional dwelling unit for rental purposes."

The Board determined that this request **QUALIFIED** under the criteria of Section 2.16.050 K of the ordinance for the following reasons:

- The residence has been in existence and owner occupied for one continuous year, and has a valid certificate of occupancy; and,
- The zoning board of adjustment has received the written approval of the structural design from the building permits and inspection division of the development services department; and,
- The carport shall be constructed of the same material, architectural design, and color scheme as the residential structure, open on three sides, and attached to the main structure; and,
- The area of the carport shall not exceed one-fifth of the first-floor area of the dwelling, nor shall the carport rise above the highest point of the roof of the dwelling; and,
- Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space; and,
- There is no other reasonable alternative to provide a carport in the front yard of the subject property without exceeding the encroachments allowed in Title 20 of this code; and,
- The extension does not permit the creation of an additional dwelling unit nor shall it constitute an extension of the living area of the dwelling.

Planning and Economic Development Department

2 Civic Center Plaza · El Paso, Texas 79901 · (915) 541-4670 · Fax (915) 541-4725

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S E R V I C E S O L U T I O N S S U C C E S S



Mr. Evans Walker
September 13, 2010
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Filed for permanent record the 13th day of September 2010, in the office of the Zoning Board of Adjustment.

Linda Castle

Linda Castle
Senior Planner

PLEASE NOTE: Any privilege granted by this decision must be exercised within **12 months** of the date of this decision after obtaining the necessary building permits for the proposed construction at the Construction Management Division of the Engineering Department.

Inspections will be made by the Construction Management Division of the Engineering Department, and compliance with Board action will be noted in official Board records. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

The decision of the Zoning Board of Adjustment may be appealed by a person aggrieved by this decision or by any officer, department, board, or bureau of the municipality by filing an action with the District Court for this county within **10 Days** after the date of the hearing.

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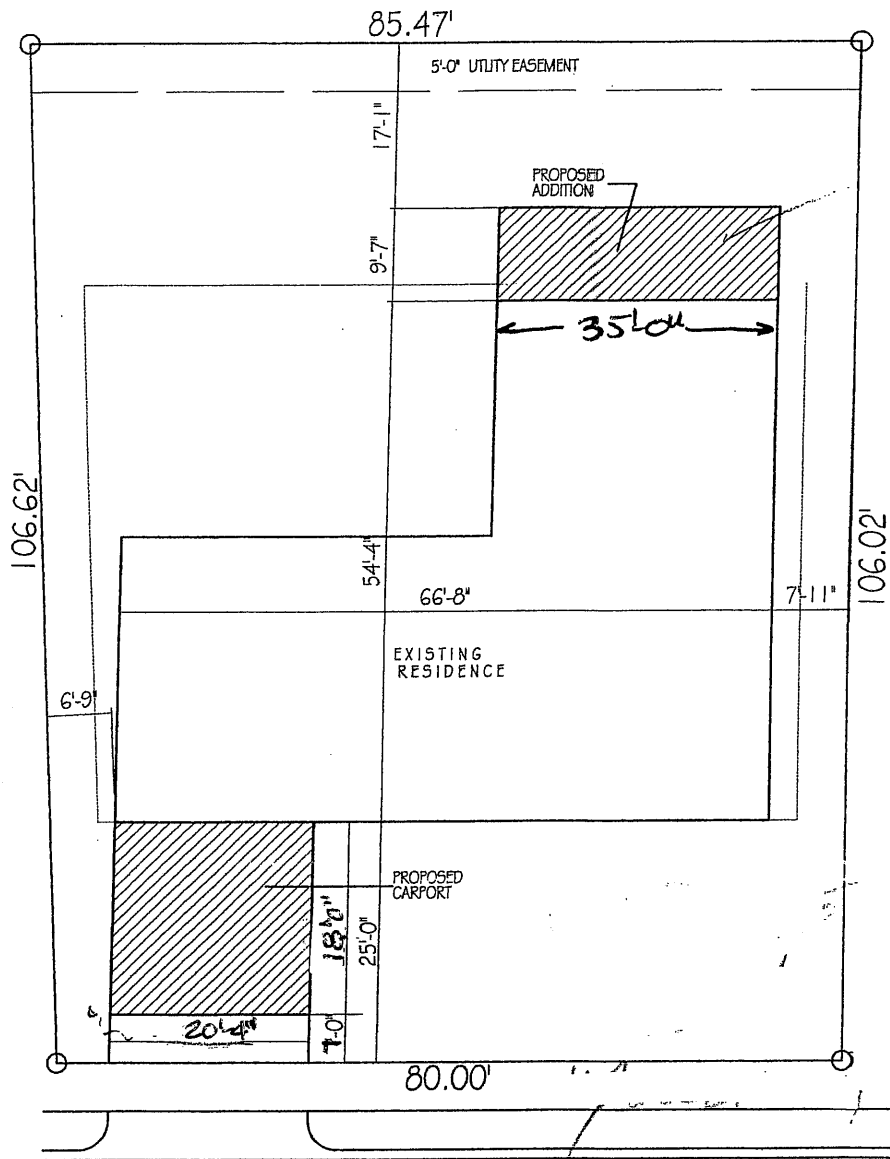
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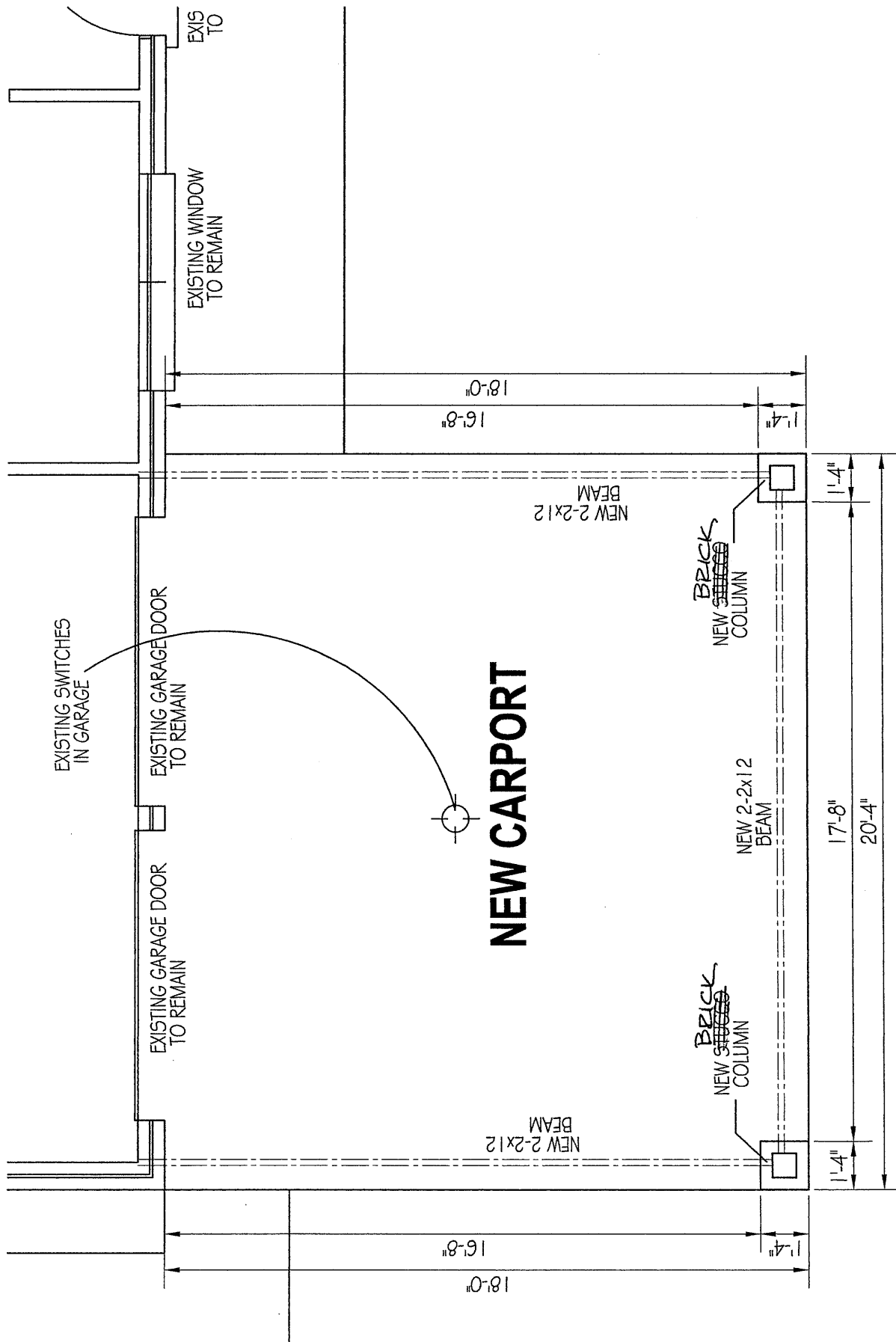


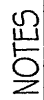
8609 W.H. BURGESS

CIELO VISTA PARK SUB.
LOT - 11
BLOCK - 87
CITY OF EL PASO, TEXAS

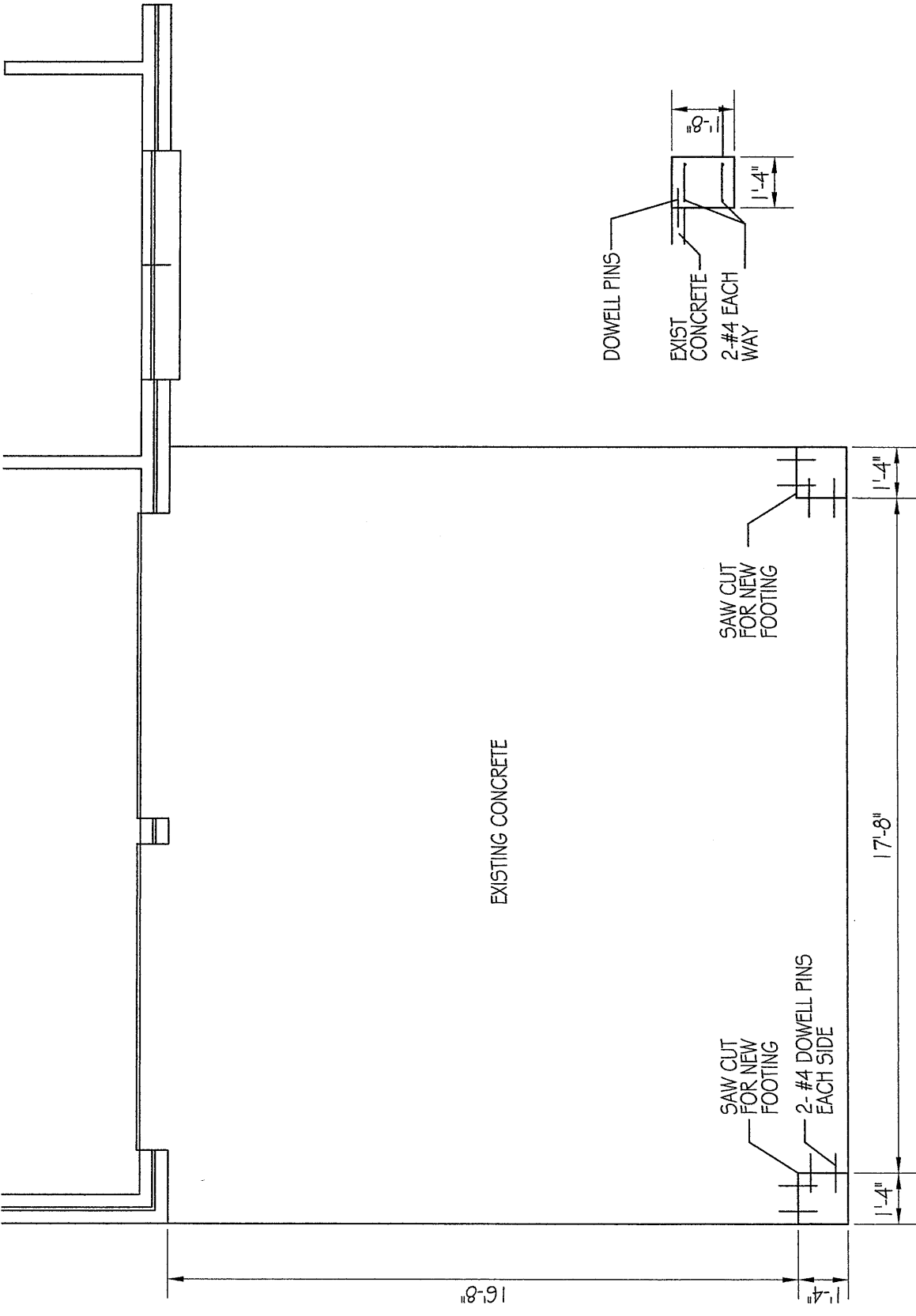

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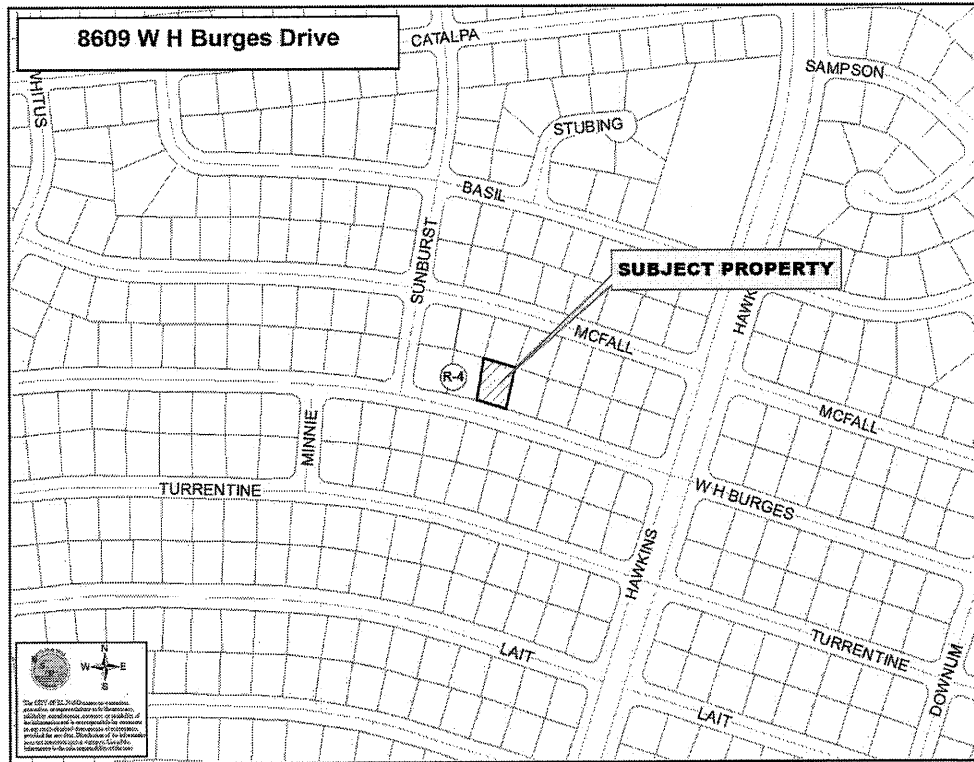




ROOF FRAMING TO BE
ENGINEERED WOOD TRUSSES
@ 24" o/c UNLESS NOTED OTHERWISE
ROOF OVERHANG FOR NEW CARPORT
TO BE 16"



ZONING MAP



NOTIFICATION MAP

